

WILLIAM F. MAIER
USSN 09/254,525

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

REMARKS

Applicant respectfully requests reconsideration and allowance of this application in view of the following comments.

At the outset, Applicants wish to address the showing required by 37 CFR § 1.116(b) as to why this amendment is necessary and were not presented earlier. This amendment is responsive to the new points made by the Examiner in the final rejection. Since this is the first substantive response to the final rejection, this amendment could not have been presented earlier. In view of the foregoing, Applicant submits that a proper showing has been made, and, therefore, that the Examiner should enter and consider this amendment. An early notice that this amendment has been entered and considered is earnestly solicited.

The sole issue for consideration is the rejection of claims 4-8 under 35 USC § 112, first paragraph, as containing new matter. The Examiner finds that there is no support for "pressing," and "there is no disclosure of any process or apparatus features which perform 'pressing' as the term is normally understood and argued by applicant." The Examiner says Applicant's arguments filed July 16, 2001, have been considered but are not persuasive because the claims

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are not limited to one of the few reactions exemplified as having unexpected results, nor to the feature of superatmospheric hydrogen pressure.

However, Applicant points out that in the amendment dated July 12, 2001, in the first paragraph on page 3, Applicant showed that the specification contains *ipsis verbis* support throughout the specification for the term "pressing," beginning, for example, at page 2, last paragraph, line 6 therein, wherein it is clearly stated that "the reaction is performed by *pressing* the reaction mixture through the membrane." The Examiner's attention was also directed to the specification at page 2, last paragraph, lines 16-17; and to original claim 1, next-to-last line. The Examiner says he has considered Applicant's argument. However, the Examiner does not respond to these specification references at all. Respectfully, since the specification recites the term "pressing," as did original claim 1, Applicant does not understand how the use of the term "pressing" can possibly constitute new matter.

Applicant believes that the Examiner would be fully justified to reconsider and withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is earnestly solicited.

Applicant believes that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

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Applicant also believes that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Early and favorable action is earnestly solicited.

Respectfully submitted,

NORRIS McLAUGHLIN & MARCUS, P.A.

By

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment under 37 CFR § 1.116 (4 pages total) is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: May 12, 2003

By

Kurt G. Briscoe